

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

RICHARD WILLHITE, #09689078

§

VS.

§

CIVIL ACTION NO. 9:05cv10

UNITED STATES OF AMERICA

§

ORDER ADOPTING REPORT AND RECOMMENDATION

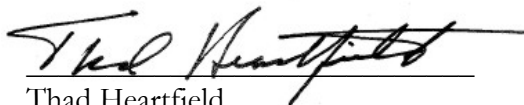
The Court referred the above-entitled and numbered civil action to United States Magistrate Harry W. McKee. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. No objections were filed.

This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that Petitioner's motion to dismiss (dkt. #12) is **GRANTED**, this action is **DISMISSED** without prejudice, and the statute of limitations is tolled for ninety days; and

ORDERS that all motions not previously ruled on are denied.

SIGNED this the 27 day of July, 2005.


Thad Heartfield
United States District Judge